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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

08350.0357

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Signature _____

Typed or printed name _____

Application Number

09/863,720

Filed

May 23, 2001

First Named Inventor

Eric W. Nielsen

Art Unit

2174

Examiner

Peng, Ke

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

Signature

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.

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11/14/2005

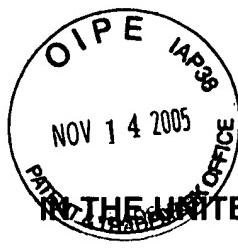
Date

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Customer No.: 22,852
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THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
NIELSEN et al.) Group Art Unit: 2174
Application No.: 09/863,720) Examiner: Ke, Peng
Filed: May 23, 2001) Confirmation No.: 1496
For: GRAPHICAL USER INTERFACE) **Mail Stop AF**
METHOD AND APPARATUS)
FOR INTERACTION WITH)
FINITE ELEMENT ANALYSIS)
APPLICATIONS)

MAIL STOP AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In reply to the Office Action mailed on July 13, 2005, and pursuant to the July 12, 2005, OG Notice regarding the Pre-Appeal Brief Conference Pilot Program, Applicants respectfully request panel review of the rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) discussed in the remarks below. No amendments are being filed with this Request. This Request is being filed concurrently with a Notice of Appeal and a petition for a one-month extension of time. The response time has been extended to November 14, 2005 (November 13, 2005, being a Sunday).

Remarks

I. Status of the Claims

Claims 1-24 remain pending in this application. Claims 1-2, 4, 6-11, 13, and 15-24 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,219,049 to Zuffante et al. ("Zuffante"). Claims 3, 5, 12, and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Zuffante in view of U.S. Patent No. 5,745,113 to Jordan et al. ("Jordan").

II. Rejection of Claims Under Section 102(b) Should Be Withdrawn

Applicants respectfully submit that the Examiner failed to establish a *prima facie* case of anticipation in rejecting claims 1-2, 4, 6-11, 13, and 15-24 under 35 U.S.C. § 102(e) as being anticipated by Zuffante for at least the reason that Zuffante fails to disclose every claim element. The rejected claims include terms that are associated with the operation of a finite element analysis application. However, Zuffante is not even related to a finite element analysis application. Instead, Zuffante describes a dynamic mate inferencing system. Specifically, Zuffante describes a system wherein a user may view and manipulate a computer model in order to preview the mating of a feature of a model to a component of the model, alternate between different mating scenarios, and mate the feature to the component in the previewed geometry. See Zuffante, Abstract. Zuffante's system that describes mating between a feature of a model and the component of the model is not related in any way to a system associated with a finite element analysis application.

In applying Zuffante as a reference to reject the pending claims, the Examiner has apparently disregarded a number of expressly recited claim terms that are related

to a finite element analysis application. For example, claim 1 recites a “method of presenting a graphical user interface for a **finite element analysis application**,” including, *inter alia*, “. . . an interval count field indicative of a number of mesh entities that will fill said selected entity”, “an interval size field indicative of a size of said mesh entities that will fill said selected entity, a mesh scheme field indicative of a desired mesh scheme,” and “a smooth scheme field indicative of a process of improving an element quality after a mesh generation.” (Emphasis supplied.) Above-mentioned features in the body of claim 1 (e.g., mesh entities, mesh scheme, mesh generation) are all features associated with a finite element analysis application.

Zuffante is not related to finite element applications. Thus, it reasonably follows that Zuffante does not disclose or suggest any of the recitations of claim 1 related to the operation of a finite element analysis application. Indeed, nothing even coming close to finite element analysis related language (e.g., mesh entities, mesh scheme, mesh generation, etc.) is present in Zuffante. Accordingly, the rejection of claim 1 should be withdrawn.

Regarding claim 10, the rejection of that claim based on Zuffante is also flawed. For example, Zuffante does not disclose or suggest an “apparatus . . . for a **finite element analysis application**” including subject matter associated with “. . . an interval count field indicative of a number of **mesh entities** that will fill said selected entity, an interval size field indicative of a size of said **mesh entities** that will fill said selected entity,” “a mesh scheme field indicative of a desired **mesh scheme**, and a smooth scheme field indicative of a process of improving an element quality after a **mesh generation**,” as recited in claim 10. (Emphasis added.)

With respect to claims 18 and 22, the rejection of those claims based on Zuffante is also erroneous. For example, claims 18 and 22 recite attaching/attach *inter alia* “a child window to said parent window wherein said child window includes a **first interface element** having a first tab identifier and at least one iconic button wherein **selection of said at least one iconic button** associated with said first interface element **outputs a second interface element** having a second tab identifier . . .” (emphasis added). No such features are disclosed in Zuffante.

The Examiner attempts to equate item 402 and item 400 in Zuffante to the second interface element and first interface element recited in claim 18, respectively. See Office Action at 5 (citing Zuffante, column 19, lines 30-50). However, a careful reading of Zuffante reveals that Zuffante does not support the position alleged in the Office Action. Assuming, *arguendo*, that item 400 corresponds to the first interface element of claim 18, Zuffante does not teach that a selection of item 400 outputs a second interface element as required by claim 18. (Emphasis added.)

For at least these reasons, the section 102(b) rejection of claims 1, 10, 18, and 22 should be withdrawn. Dependent claims 2, 4, 6-9, 11, 13, 15-17, 19-21, and 23-24 ultimately depend on one of claims 1, 10, 18, and 22 and, therefore, the section 102(b) rejection of those dependent claims should also be withdrawn.

III. Rejection of Claims Under Section 103(a) Should Be Withdrawn

Applicants respectfully submit that the Section 103(a) rejection of claims 3, 5, 12, and 14 should be withdrawn due to a lack of *prima facie* case of obviousness. No combination of Zuffante and Jordan discloses or suggests every claim element. As noted above, Zuffante fails to disclose or suggest every feature of claims 1 and 10, from

which claims 3 and 5 and claims 12 and 14, respectively depend. Jordan, which appears to be cited only for its asserted disclosure of "attaching a textual input/output window," fails to remedy the deficiency of Zuffante. Thus, there is no *prima facie* case of obviousness with respect to claims 3, 5, 12, and 14.

IV. Conclusion

Because the Examiner's 35 U.S.C. § 102(e) rejections over Zuffante and the 35 U.S.C. § 103(a) rejections over Zuffante and Jordan are severely flawed, Applicants respectfully request withdrawal of those rejections.

Please grant any extensions of time required to enter this request and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 14, 2005

By:



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